

ORIGINAL**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST****FILED**

FEB 18 2009

U.S. COURT OF
FEDERAL CLAIMS

PLANETSPACE INC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

Case No. **09-99 C****PLAINTIFF'S APPLICATION FOR A TEMPORARY RESTRAINING
ORDER TO PREVENT UNLAWFUL OVERRIDE OF CICA STAY**

Pursuant to RCFC 65, Plaintiff PlanetSpace Inc. ("PlanetSpace"), through the undersigned counsel, respectfully moves the Court for a temporary restraining order enjoining Defendant, the United States, its officers, employees, and agents from (i) further implementing its override of the automatic stay of performance imposed by the Competition in Contracting Act on Contract Nos. NNJ09GA02B and NNJ09GA04B, awarded by the National Aeronautics and Space Administration (the "Government"), and (ii) allowing performance of said contracts to proceed.

The Government awarded the contracts on or about December 23, 2008 to Orbital Sciences Corporation ("OSC") and Space Exploration Technologies ("SpaceX").

Plaintiff PlanetSpace respectfully requests that this temporary restraining order remain in force until the Court enters a preliminary injunction or a final judgment on the merits of this case, whichever occurs first. The grounds for this relief are set forth in the accompanying memorandum and the exhibits thereto.

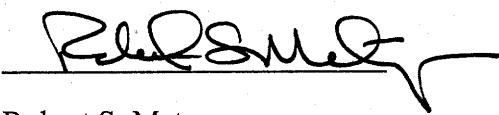
Contemporaneously with this filing, the undersigned counsel for PlanetSpace has arranged for the immediate delivery of PlanetSpace's Complaint, this application, a motion for a preliminary injunction, PlanetSpace's memorandum in support of the application and motion, and all supporting documents to counsel for the United States, Steven Mager, Esq. and Vincent A. Salgado, Esq., counsel for OSC, David A. Churchill, Esq., and counsel for SpaceX, Richard J. Vacura, Esq.

Dated: February 18, 2009

Respectfully submitted,

Of Counsel:

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